



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/986,026

11/07/2001

Hiroyuki Kishi

1506.1013

4741

21171

7590

06/06/2007

STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/986,026

Applicant(s)

KISHI, HIROYUKI

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11, 12, 16, 17, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11, 12, 16, 17, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This action is in response to RCE filed on 10/10/2006.

Acknowledgements

The examiner for this application has changed. Please indicate Examiner Kirsten Apple as the examiner of record in all future correspondences.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-9, 11-12, 16, 17, 20 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Quinlin et al in view of Solomon et al.

Quinlan et al. teaches and method and system for redeeming rebates. Specifically, Quinlan et al. teaches a fulfillment administrator that receives an electronic file transfer from a point-of-sale data processing and storage system comprise a

Art Unit: 3693

plurality of purchase data records. Each purchase data record comprises a list of products purchased, the date and the transaction serial number for the qualified transaction. The purchase record may also comprise other data such as store number. (column 9; lines 39-42 & 47-52).

Examiner notes that this represents receiving first sales information generated by a retail seller, which identifies a deal of a first commodity, retail seller and a time and place. It also teaches storing the received information in a first storing part.

Quinlan et al. further teaches a consumer makes a rebate claim by entering and transmitting a serial number corresponding to the qualified transactions and identifying information such as personal information about the consumer (column 9; lines 18-22). Quinlan et al. teaches that serial number corresponding to the qualified transaction is provided to the user at the time of purchase on a receipt by the point-of-sale (reference column 8; lines 18-61). Examiner notes that the serial number corresponding to the qualified transaction represents Applicant's second sales information, as it is generated by the retail seller and identifies the retail seller, time and place at which commodity was sold. As such Examiner notes that this teaching represents receiving purchase information, which comprises personal information and second sales information generated by the retail seller identifying the retail seller, place and time at which second commodity was sold.

Examiner further notes that as Applicant's invention is intended to match purchase information, then in the case where the purchase information matches, the first commodity and the second commodity are one and the same. In addition, as the fulfillment administrator collects information on a plurality of products from both the point-of-sale and the consumer, it is consistent that the information collected will be on first and second commodities.

Quinlan et al. teaches the fulfillment administrator then associates each serial number in the stored data record with a purchase data record having an identical serial number. Thus for each serial number transmitted by a customer and stored as a stored data record, there is a corresponding purchase data record with the identical serial number received by the electronic file transfer (column 10; lines 6-15). Examiner notes that the purchase data record represents Applicant's first storing part and stored data record represents Applicant's second storing part. Examiner further notes that corresponding the stored data record with the purchase data record represents storing the information as a valid purchase information.

Examiner notes that the stored data record of Quinlan et al., discussed above includes information for identifying the seller, identifying a deal made by the seller and identifying the second commodity (claim 2). Examiner once again notes that the serial number of Quinlan et al. is used to identify all of these things.

Examiner notes that the stored data record indicates both a time order of deals and a date of the deal (claims 3 and 4). Examiner notes that the date of the transaction is both the date and an indication of the time order of the deal.

Quinlin et al. teaches transmitting a display screen with an input area for inputting purchase information (claim 6). Reference column 12; lines 1-7.

Quinlin et al. does not teach storing the second information as one of valid purchase information, invalid purchase information or unidentified validity purchase information based on a verification process that includes determining whether purchaser submitted purchasing data is saved in the first storage part including a range of values of a second information between a minimum value of the second information to a maximum value of the second information.

Solomon et al. teaches as part of a rebate processing system determining breakage, which refers to any event that prevents a rebate from being completed, for example denying based on improper purchase dates or purchase price (this represents the second information being within a range from a minimum to a maximum, i.e. min date to max date or min price to max price). In order to track breakage a submitted rebate request from a user must be stored with an indication of the rebate status (e.g. valid, invalid or unidentified validity) . (see column 5, lines 24-49 and column 6, lines 38-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the rebate processing system of Quinlin to include storing with the user submit request a rebate status indication whether the request is valid, invalid or unidentified validity as taught by Solomon. One of ordinary skill in the art would have been motivated to modify the references in order to track breakage rate.

Examiner notes that claims 1-4 and 6, rejected above are directed to a purchase information collection method. Claims 7-9, directed to a purchase information collecting program, are rejected as an apparatus for performing the method of 1-4 and 6. Claims 11-12 are directed toward a purchase information collecting method and are rejected with claims 1-4 and 5. Claim 16 is directed towards a purchase information collecting program. Examiner notes that claims 16 and 17 are rejected as an apparatus for performing the method of claims 1-4 and 6 (detailed above). Finally claim 20 is directed towards a method performed by a computing system. Examiner reference the rejection to claims 1-4 and 6 in rejection of claims 20 & 21.

Response to Arguments

Applicant's arguments filed 10/10/2006 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: Quinlan describes a system for processing rebate claims and does not teach anything comparable to these features. The applicant also states that "the admission in the Office action on page 4 appeasers to support this."

Examiner Apple has read the office action dated "10/8/2005" prepared by Examiner Kramer and does not understand what line indicates Examiner Kramer "supports this." In addition, Examiner Apple refutes the argument made by the Applicant and draws the attention to

Art Unit: 3693

Quinlan column 10, line 6-15 which “checks: that there is a corresponding purchase data record with the identical serial number received by the electronic file transfer.

Applicants argued 2nd, Solomon fails to teach a “range of values” as recited in Applicants claim 1.

The Examiner refutes the argument made by the Applicant and draws the attention to Solomon column 5, line 24-38. First of all improper purchase date or purchase price does not specify if it includes the various prices from different stores and sales. In the broadest reasonable interpretation the examiner interprets the price to be a range. In addition Solomon continues to explain that the “system contemplates maintaining statistics representing specific types of breakage” (line 36-37) and statistics would be expected to be a range once again supporting the examiner interpretation.

Applicants argued 3rd, newly claim 21 includes an evaluation step not taught in the prior art references.

The Examiner refutes the argument made by the Applicant and draws the attention to Solomon column 5, line 24-38 again. These limitations of evaluating data are indicated in Solomon.

Contact Information

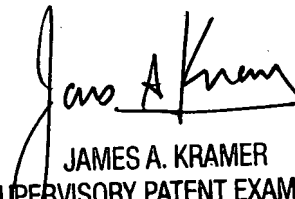
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

 5/31/07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600